

Development Application: 251-255 Oxford Street, Paddington - D/2025/411**File Number:** D/2025/411**Summary****Date of Submission:** 20 May 2025

Final amendments received 10 July 2025

Applicant: EARTH VISUAL & PHYSICAL INCORPORATED**Owner:** The Council of the City of Sydney**Cost of Works:** \$155,430.00**Zoning:** RE1 Public Recreation. The proposed temporary event is permissible in the zone.

Proposal Summary: The application seeks consent for the use of Paddington Reservoir Gardens for a temporary event associated with the 2025 City of Sydney Art & About Program. The performances will take place between 5.00pm and 8.00pm Thursday to Saturday for 3 consecutive weeks in September, with a maximum of 200 people per performance.

The application is referred to the Local Planning Panel for determination as it represents contentious development, with receipt of 25 or more unique submissions by way of objection.

The Local Planning Panel delegated a number of matters to Council officers on 30 April 2025. In accordance with the requirements of the Environmental Planning and Assessment Act 1979, the LPP delegated its functions for development, where Council is the applicant or landowner, and the application proposes a temporary event. The application is not referred to the LPP for this reason. The application is referred to the LPP for determination as it represents contentious development, that is the application attracted 25 or more submissions.

The application was notified between 27 May 2025 and 10 July 2025. The 28 day notification was extended for 14 days to include Woollahra Council residents. A total of 38

submissions were received. Of these submissions, 5 were in support and 33 were objections.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Heritage Act 1977
- (ii) SEPP (Transport and Infrastructure) 2021
- (iii) SEPP (Industry and Employment) 2021
- (iv) Sydney Local Environmental Plan 2012
- (v) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Plan of Management
- D. Submissions

Recommendation

It is resolved that consent be granted to Development Application Number D/2025/411 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the recommended conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (B) The development is permissible with consent in the RE1 Public Recreation zone, and is consistent with the objectives of the zone, under clause 2.8 Temporary use of land of the Sydney Local Environmental Plan 2012.
- (C) The proposal has been assessed against the aims and objectives of the relevant planning controls including the Sydney Local Environmental Plan 2012 (LEP), the Sydney Development Control Plan 2012 (DCP), and the applicable Environmental Planning Instruments, and complies.
- (D) The proposal is permissible with consent in the Western Chamber of Paddington Reservoir Gardens, and is consistent with the Walter Read Reserve and Paddington Reservoir Plan of Management and Masterplan 2004, subject to recommended conditions of consent.
- (E) The proposed temporary event will not detrimentally impact the heritage significance of the heritage item or nearby heritage items.
- (F) Suitable conditions of consent are recommended to address any impacts, and the development is in the public interest.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 1 in DP 1111940, known as 251-255 Oxford Street, Paddington. It is irregular in shape with area of approximately 3,228sqm. The site is located at the south-eastern corner of Oxford Street and Oatley Road.
2. The site comprises of Walter Read Reserve, John Thompson Reserve and Paddington Reservoir Gardens. At street level, Walter Read Reserve is a park with open public space. At the lower level, gardens occupy the eastern and western chamber of the former Paddington Reservoir. The adjoining John Thompson Reserve is located to the western side of the site at the corner of Oxford Street and Oatley Road.
3. Paddington Reservoir operated as a high-level reservoir from 1878 until it was decommissioned in 1899. The site was utilised for various purposes including storage, garaging, mechanical workshop and service station.
4. Walter Read Reserve was established on the roof area of the reservoir in 1953 and utilised as public, open space until a roof collapse in 1993. The site was closed off and unused with a further collapse in 2005 which resulted in further loss of the roof structure.
5. The former service station was removed in 2006 and the site remediated, stabilised and redeveloped into a sunken garden and boardwalk. Paddington Reservoir Gardens, incorporating both Walter Read Reserve and John Thompson Reserve, opened in 2009 following the major restoration and landscaping works.
6. The surrounding area is characterised by a mixture of land uses, primarily being residential, commercial and community facilities. Paddington Town Hall is located to the site's west, and Juniper Hall and Paddington Post Office are located to the site's general north. The Imperial Hotel Paddington and other food and drink premises are located along Oxford Street to the site's north-east. To the site's direct south is the residential flat development, 'Paddington Central', which was completed prior to the remediation of Paddington Reservoir.
7. The site is a local heritage item under Schedule 5 of the LEP as 'Walter Read Reserve & Former Paddington Reservoir' (I1088), and as a state heritage item under the State Heritage Register as 'Paddington Reservoir' (SHR no.00515).
8. The site is located within the Oxford Street, Paddington, locality and is not identified as being subject to flooding.
9. A site visit was carried out on 18 June 2025.
10. Photos of the site and surrounds are provided below.

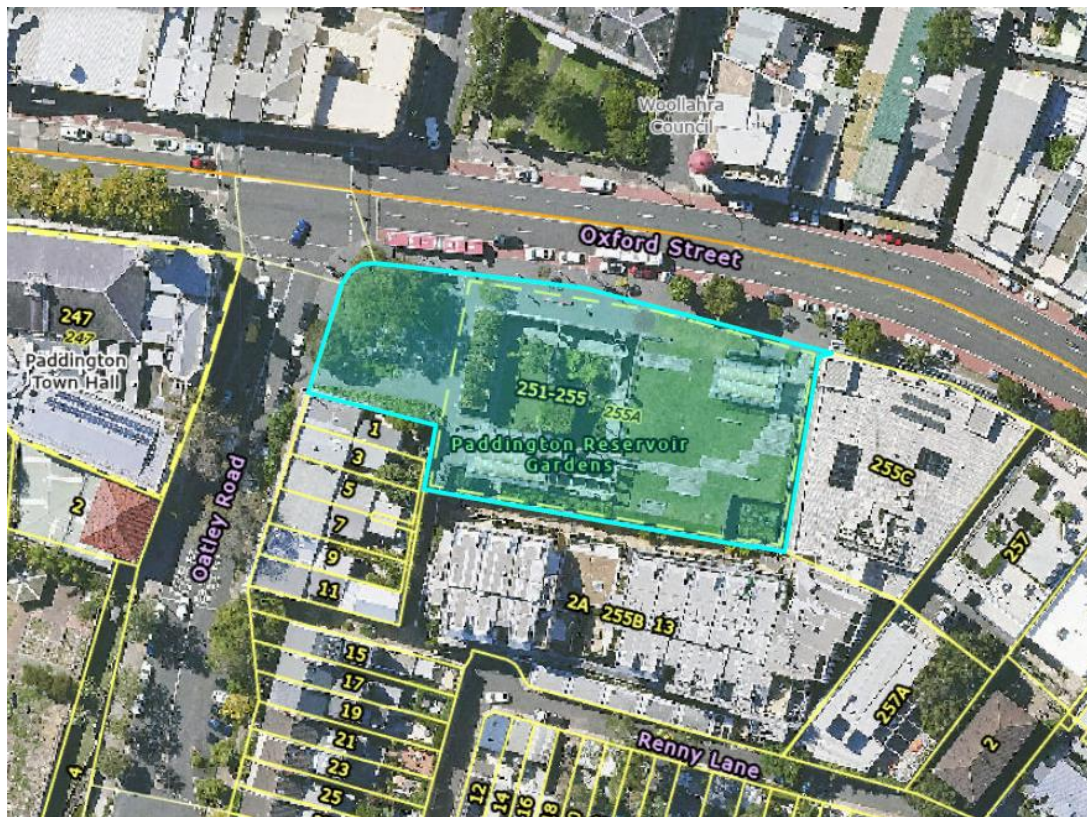


Figure 1: Aerial view of site and surrounds



Figure 2: View to John Thompson Reserve facing north-east



Figure 3: View to stair and lift access to Paddington Reservoir Western Chamber



Figure 4: View from the sunken garden in the Paddington Reservoir Western Chamber facing north-west



Figure 5: View from Oxford Street to the sunken garden in the Paddington Reservoir Western Chamber facing south-west



Figure 6: View from Walter Read Reserve facing north-east towards Paddington Central residential development

History Relevant to the Development Application

Development Applications

11. The following applications are relevant to the current proposal:

- **D/2006/1376** – Development consent was granted on 11 December 2006 for the refurbishment of the Walter Read Reserve involving the removal of the derelict service station equipment and remediation of the site, stabilisation and reconstruction of section of the collapsed roof, provision of pedestrian and disabled access, creation of a sunken garden and boardwalk and the integration of the reserve with the John Thompson Reserve.
- **D/2014/1614** – Development consent was granted on 14 December 2015 for the use of Reservoir Gardens for commercial, cultural and community events. Consent was granted for a 2 year period for the following uses in Eastern and Western Chambers of Paddington Reservoir: guided tours, storytelling, workshops, exhibitions, art exhibitions, display of creative arts and cultural products and light music.
- **HCS/2022/45** – A Heritage Work Confirmation application (fast-track Section 60 application) was granted approval under Section 63 of the Heritage Act 1977 on 9 August 2022 for the Head on Foundation's Photography Exhibition in the Western and Eastern Chambers of Paddington Reservoir. Consent was granted for a 5 year period, with up to 2 temporary photography exhibitions per calendar year, with each exhibition not exceeding 35 consecutive days.

Compliance Action

12. The site has previously been subject to compliance action regarding noise from visitors using the open space for photography and social media videos. As a result Council rangers increased patrols of the park and advised people to reduce noise. The compliance matters are closed and not relevant to the subject application.

Amendments

13. Following a preliminary assessment of the proposed development by Council officers, a request for a detailed site plan was sent to the applicant on 26 June 2025.
14. The applicant responded to the request on 4 July 2025, and submitted detailed site plans showing proposed locations of temporary structures, a lighting plan and audience pathway.
15. A request for additional information was sent to the applicant on 10 July 2025 for clarification of the proposed activities on the bump-in and bump-out days. The applicant responded on the same day and provided the following information:
 - (a) the bump-in days prior to the event are for the purposes of rehearsal and no temporary structures are to remain on site, and
 - (b) the bump-out day is for the purposes of a final site check and removal of council's crowd control barriers.

Proposed Development

16. The application seeks consent for the following:

- to use the Western Chamber of Paddington Reservoir, Walter Read Reserve and John Thompson Reserve for a temporary event known as 'SofT foREST' which features a 4m tall inflatable puppet.
- the proposed temporary event hours and event activation is summarised in the table below:

Activity	Date	Hours
Media launch	Thursday 28 August 2025	Set up from 2.00pm Media event 6.30pm - 7.30pm
Bump-in (rehearsal days)	Monday 1 September 2025 - Thursday 4 September 2025	9.00am - 5.00pm
Performance days	Thursday 4 to Saturday 6 September 2025 Thursday 11 to Saturday 13 September 2025 Thursday 18 to Saturday 20 September 2025	Bump-in from 9.00am Performances from 5.00pm - 8.00pm Bump-out until 10.00pm
Bump-out	Monday 22 September 2025	9.00am - 5.00pm

- Event capacity:
 - maximum of 200 persons per performance session, including 10 staff members and 190 attendees
 - first-in, first-served format
- Lighting:
 - 6x 5v LED par cans along the western wall of Western Chamber
 - 6x low voltage LED up-lights along architectural site features
 - internal LED lighting of puppet (self-illuminated puppet)
- Registration marquee:

- 3m x 3m marquee for attendee registration in John Thompson Reserve
- Signage:
 - 5x temporary signs: free-standing event information and wayfinding signs in the form of A-frame or 'toolbox' signs (note. 'toolbox' sign is pictured in the event's Plan of Management)
- Security and event management:
 - provided by City of Sydney event management staff
 - crowd control barriers (temporary fencing)
- Bathroom facilities:
 - staff and attendees are to utilise bathroom facilities at Paddington Town Hall located directly adjacent to the site (inclusive of accessible bathrooms)
- Media launch event:
 - pre-show viewing of the performance
 - capacity of 120 persons by invite only

17. Plans and elevations of the proposed development are provided below.

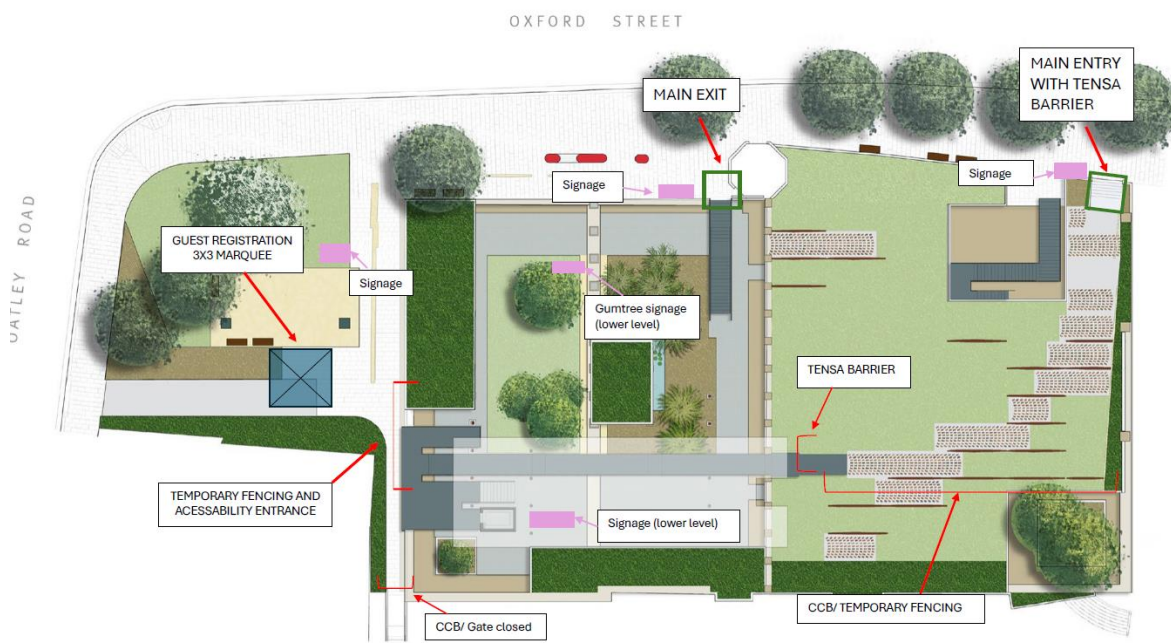


Figure 7: Proposed site plan

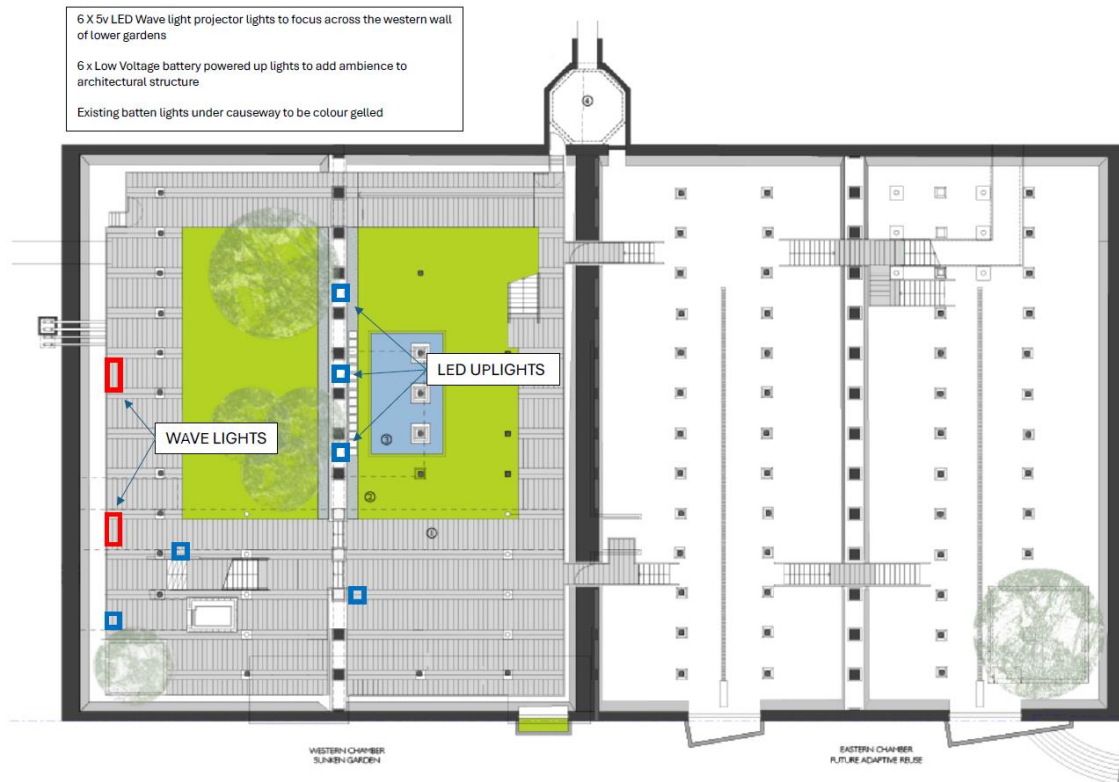


Figure 8: Proposed lighting plan

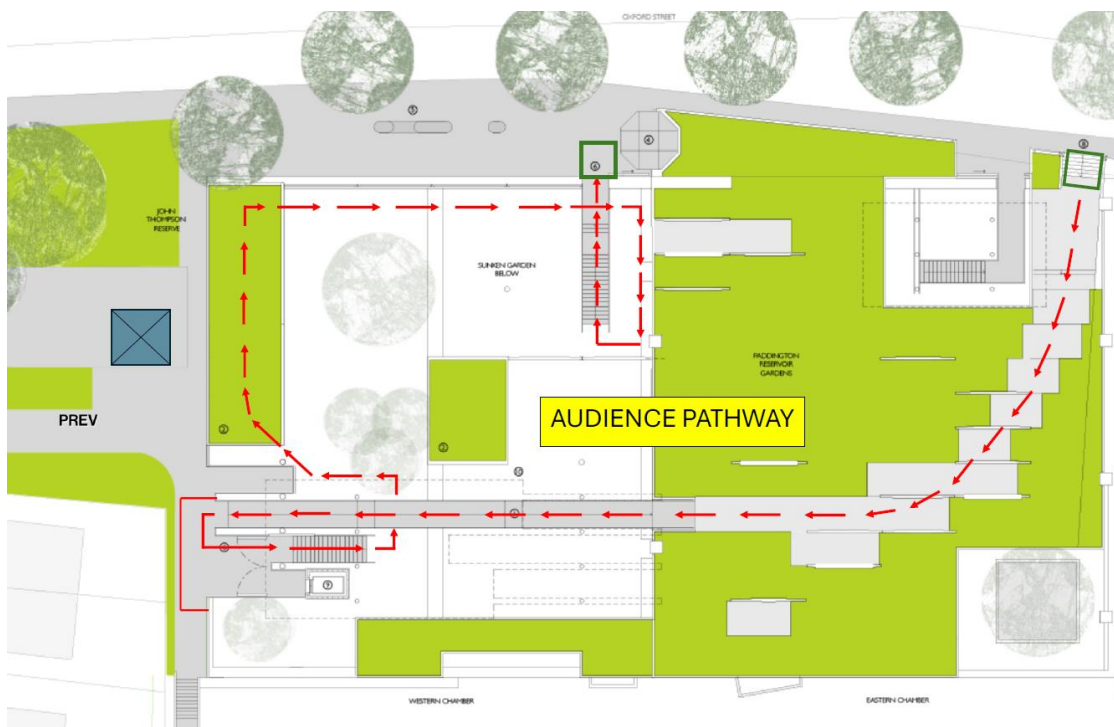


Figure 9: Proposed audience pathway

Assessment

18. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Heritage Act 1977

19. The subject site is listed as an item known as 'Paddington Reservoir' on the State Heritage Register under the Heritage Act 1977 (SHR no.00515).
20. The applicant has completed a self-assessment of the proposed development under standard exemption 12 Temporary Structures of Section 57(2) of the Heritage Act 1977. The proposal is consistent with the standard exemption as the erection of the proposed temporary structures are for less than 30 consecutive calendar days.
21. The applicant's assessment is supported and the proposal is exempt from requiring approval under the Heritage Act 1977 and is not Integrated Development.

State Environmental Planning Policies

State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3 Advertising and Signage

22. The aim of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage is to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.
23. The proposed signage is associated with the temporary event and this provision is applied as a guide. The proposed signage has been considered against the objectives of the policy and an assessment against the provisions within the assessment criteria set out in Schedule 5 is provided in the table below.

Provision	Compliance	Comment
1. Character of the area	Yes	<p>The proposed signage includes five (5) freestanding signs with wayfinding and event information content.</p> <p>The site is located in a signage precinct under DCP provision 3.16.12.15 Mixed Use Village Main Street signage precinct, which requires signage to respond to the role of these precincts outlined in locality statement 2.9.1 Oxford Street, Paddington. Accordingly, the proposed signage is associated with the temporary event of which encourages the adaptive re-use of the site and positively contributes to the vibrancy of Oxford Street.</p>

Provision	Compliance	Comment
		<p>An assessment against the detailed signage provisions of the DCP is provided in this report.</p> <p>The proposed temporary signage is consistent with the locality and character of the area.</p>
2. Special areas	Yes	The proposed signage does not detract from the amenity of the public reserve and heritage features of the site.
3. Views and vistas	Yes	The proposed signage does not obscure or compromise important views or reduce the quality of vistas.
4. Streetscape, setting or landscape	Yes	The proposed signage is a temporary structure associated with the event. The signage is appropriate for the streetscape, setting and landscape.
5. Site and building	Yes	The proposed signage is a temporary structure and will not impact the character or important features of the site.
6. Associated devices and logos	Yes	The proposed signage does not include any associated safety devices, platforms, logos or lighting devices to be displayed.
7. Illumination	Yes	The proposed signage is not illuminated.
8. Safety	Yes	<p>The proposed signage is located within site boundaries at site access points, registration area, and within the sunken chamber.</p> <p>The signage will not reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.</p>

24. The proposed signage is consistent with the objectives of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage as set out in Clause 3.1 and satisfies the assessment criteria specified in Schedule 5.

State Environmental Planning Policy (Transport and Infrastructure) 2021

25. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations**Clause 2.119 – Development with frontage to classified road**

26. The application is subject to Clause 2.119 of the SEPP as the site has frontage to Oxford Street which is a classified road.
27. The proposed development satisfies the provisions of Clause 2.119 subject to conditions of consent, as there is no vehicle access to the site provided from the classified road and the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development, subject to the recommended conditions of consent.

Local Environmental Plans**Sydney Local Environmental Plan 2012**

28. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	<p>The site is located in the RE1 Public Recreation zone. The site is a public park.</p> <p>The proposed development is defined as temporary event and is permissible with consent in the zone under provision 2.8 Temporary use of land.</p>
2.8 Temporary Use of Land	Yes	<p>The consent authority may grant consent to development in any zone for a temporary use for a maximum period of 52 days in any period of 12 months if it meets the objectives of the clause.</p> <p>The proposed temporary event is for a total of 9 event days (15 days total inclusive of media launch day and bump-in/bump-out). The proposal will not compromise future development on the land, or have detrimental economic, social, amenity or environmental effects on the land.</p>

Provision	Compliance	Comment
		The proposed development is consistent with the objectives of clause 2.8.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is a local heritage item 'Walter Read Reserve & Former Paddington Reservoir' (L1088), and state heritage item 'Paddington Reservoir' (SHR no.00515).</p> <p>The proposal does not include any permanent structures or fixings as all temporary structures are freestanding.</p> <p>The proposed temporary event is a low impact event and will not have a detrimental impact on the heritage significance on the heritage item.</p> <p>The proposal complies with clause 5.10 Heritage conservation of the LEP.</p>

Development Control Plans

Sydney Development Control Plan 2012

29. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

30. The site is located within the Oxford Street, Paddington, locality. The proposed development supports the adaptive re-use of the site positively contributes to the vibrancy of Oxford Street. The proposed development is in keeping with the unique character and the design principles of the locality.

Section 3 – General Provisions

Provision	Compliance	Comment
3.2.8 External lighting	Yes	<p>The proposed lighting is temporary, and this provision has been applied as a guide.</p> <p>The proposed LED lighting is battery operated and not to be fixed to any surfaces. The lighting is appropriately</p>

Provision	Compliance	Comment
		located in the sunken garden to minimise light spill and impacts on nearby residential development. The lighting is subject to the event hours.
3.9 Heritage	Yes	The site is a state and local heritage item. See assessment of against clause 5.10 in the LEP compliance table above.
3.11 Transport and Parking	Yes	The site is near numerous bus routes accessible from the Oxford Street frontage of the site. The site is located less than 500m from the Moore Park Entertainment Quarter which is accessed by a variety public transport options. The event is a time limited event and is not expected to have a significant impact on traffic and parking.
3.12 Accessible Design	Yes	The Western Chamber in the Paddington Reservoir is accessible by lift and stairs.
3.14 Waste	Yes	The event does not include any food or drinks to be served. The Plan of Management provides any excess rubbish will be removed by event staff during and at the conclusion of each event day. A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.15 Late Night Trading Management	Yes	The Walter Read Reserve and Paddington Reservoir Plan of Management and Master Plan 2004 applies to the proposal and an assessment is provided in the Discussion section. The proposed temporary event is not a traditional late night trading venue, and this provision has been applied as a guide.

Provision	Compliance	Comment
		<p>For the purposes of this provision, the proposal is defined as a Category B (Low Impact Premises) as the purpose is a performance and creative use with a patron capacity of less than 250 persons.</p> <p>The site is in a local centre area and base outdoor hours 7.00am - 10.00pm apply for a Category B premises.</p> <p>On event days, bump-in commences from 9.00am and bump-out finishes at 10.00pm. The performances are proposed between 5.00pm and 8.00pm.</p> <p>The proposal complies with the recommended hours for late night 'trading'.</p>
3.16 Signage and Advertising	Yes	<p>The temporary signage includes five (5) signs for event information and wayfinding and is located wholly within the site boundaries. The signage is displayed for the duration of the temporary event.</p> <p>The signage is to be in the form of free-standing A-frame signs or 'toolbox' signs (note. 'toolbox' sign is pictured in the event's Plan of Management).</p> <p>The proposed signage is consistent with the provision of 3.16 Signage and Advertising and an assessment against the detailed signage provisions of the DCP is provided in the following table.</p>

Detailed signage provisions

Provision	Compliance	Comment
3.16.3 General requirements for signage	Yes	<p>The proposed signage will not detract from the amenity or visual quality of the heritage item and open space areas. The signage will not contribute to visual clutter of the site and surrounding streetscape.</p> <p>The proposed signage will not distract road users or be mistaken for a traffic</p>

Provision	Compliance	Comment
		<p>control device. The signage will not obstruct the passage or sightlines of vehicles, cyclists or pedestrians.</p> <p>The proposed signage does not contain reflective materials, colours or finishes. A condition of consent is recommended to this extent.</p> <p>The proposed signage is consistent with provision 3.16.3.</p>
3.16.6.11 Freestanding signs	Yes	<p>The proposed signage is temporary and this provision has been applied as a guide.</p> <p>Table 3.8 in this provision outlines the requirements for freestanding signs.</p> <p>The signage is consistent with table 3.8 as the Oxford Street frontage is greater than 45m and has 2 signs, the size of each sign is less than 8sqm, and the height of each sign is less than 6m above ground level.</p> <p>The proposed signage is consistent with provision 3.16.6.11.</p>
3.16.11 Signage related to heritage items and conservation areas	Yes	<p>The site is a state and local heritage item.</p> <p>The proposed signage is a temporary structure and will not detract from or damage significant heritage fabric or features.</p> <p>The proposed signage is consistent with provision 3.16.11.</p>
<p>3.16.12 Signage precincts</p> <p>3.16.12.15 Mixed Use Village Main Street signage precinct</p>	Yes	<p>The proposed signage is to have regard to the locality statements in Section 2 of this DCP.</p> <p>The signage responds to the locality statement of 2.9.1 Oxford Street, Paddington, as the signage is associated with the temporary event of which encourages the adaptive re-use of the site and positively contributes to the vibrancy of Oxford Street. The proposed</p>

Provision	Compliance	Comment
		<p>signage responds to the role of the precinct. The signage is not located above a ground floor awning, or greater than 3.5m above ground level.</p> <p>The proposed signage is consistent with provision 3.16.12.15.</p>

Walter Read Reserve and Paddington Reservoir Plan of Management and Masterplan 2004

31. The Walter Read Reserve and Paddington Reservoir Plan of Management and Masterplan was adopted by Council on 28 June 2004 and accordingly applies to the proposal under Section 35 of the Local Government Act 1993. An assessment of the proposed development against the adopted Plan of Management is provided below.
32. In relation to hours of operation, events are permitted to be held within the hours of 8.00am and 10.00pm. Inclusive of same day bump-in and bump-out activities, the event hours are between 9.00am and 10.00pm and is consistent with this requirement.
33. The Western Chamber of the Paddington Reservoir is permitted to be used for community open space, music and performance venue. The proposed temporary event is a theatrical production involving a 4m inflated puppet and 2 Bluetooth speakers. The event aligns with the permissible use for music and performance venue.
34. The event does not unreasonably impact the community use of the Western Chamber. Community use is to be restricted on the 9 event days and one media launch day, and is acceptable. Temporary structures are to be brought in and removed on event days as to ensure public access to the site is unimpeded outside of event days (from Sunday to Wednesday).
35. The proposed temporary event is consistent with the adopted Plan of Management. A condition is recommended to ensure the use is in accordance with the adopted Plan of Management.

Noise

36. The temporary event includes amplified music from 2 Bluetooth speakers located within the puppet structure. The maximum decibel output is 75dB at 1m which is the equivalent of a vacuum cleaner. The amplified music only occurs during performance hours from 5.00pm to 8.00pm and is controlled by live operators.
37. The inflatable puppet is the centrepiece of the nature and positive activism focused performance. The puppet fulcrum structure is on wheels and moves across the performance area in the Western Chamber, restricted to the concrete pathways. The amplified music is contained to this space.
38. With regard to the nature of the event, the target audience is children and parents with a maximum capacity of 200 persons per performance, 3 performances a night. The

applicant submits the performance is meditative and quiet and does not require loud clapping or cheering from attendees.

39. A condition is recommended to approve the event's Plan of Management which details noise control and crowd control procedures, including the monitoring of noise level in accordance with the guidelines of Division 7 Musical Instruments and Sound Equipment of the Protection of the Environment Operations (Noise Control) Regulation 2017.
40. The City of Sydney Event Guidelines provide noise from any amplified music used at the event must not exceed LAeq 15 minute ≤ 65 dB(A) when measured at the nearest affected receiver. A condition is recommended to this extent to ensure event noise does not result in unreasonable impact to residential amenity.
41. The proposed amplified music associated with the event is supported, subject to conditions.

Consultation

Internal Referrals

42. The application was discussed with Council's:
 - (a) Environmental Health Unit.
43. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

Advertising and Notification

44. In accordance with the City of Sydney Community Participation Plan, the proposed development was notified and advertised for a period of 28 days as a Council-related development application. The notification period was extended for a 2-week period as the residents of Woollahra Council were not originally notified.
45. Accordingly, the notification period was between 27 May 2025 and 10 July 2025. A total of 208 properties were notified and 37 submissions were received. 32 of the submissions objected to the proposal and the remaining 5 submissions were in support of the proposal.
46. The submissions raised the following issues:
 - (a) **Issue:** The proposed temporary event is inconsistent with the intended use of Paddington Reservoir provided in the Walter Read Reserve and Paddington Reservoir Plan of Management and Masterplan 2004.

Response: An assessment of the proposed use against the Walter Read Reserve and Paddington Plan of Management and Masterplan 2004 is provided in this report. The proposal is consistent with the adopted Plan of Management as it permits the Western Chamber to be used as community open space, music and performance venue, and is consistent with the permitted hours of use.

- (b) **Issue:** The site is not structurally designed for performance, crowd gatherings or acoustic amplification.

Response: The adopted Plan of Management provides extensive details of the significance of the site and the permitted uses of the site. As above, the proposal is consistent with the adopted Plan of Management. Conditions of consent are recommended for the proposal to comply with the maximum capacity of persons in the Western Chamber as to ensure the structural integrity of the site is not compromised.

- (c) **Issue:** The proposed lighting will impact residents of Paddington Central.

Response: As per Council's request, a detailed site plan was submitted with the proposed lighting locations. All lighting is located in the sunken garden. No lighting is proposed at street level as to ensure no lighting is directed into nearby residential development. An assessment is provided under provision 3.2.8 External Lighting of the DCP. Lighting is considered to be acceptable and is within acceptable operating hours.

- (d) **Issue:** No acoustic impact report has been submitted, and the application should be refused. The event will emit noise from the performance and attendees and will have a significant impact on residents of Paddington Central. A musical production at the site will impact local residents. Spectator noise is likely to be significant.

Response: An assessment of the proposed amplified music and associated event noise is provided in this report under 'Noise'.

The event, Soft foREST, is a 4m tall inflatable puppet that is the centrepiece of a positive activism performance focussed on climate change, ecosystem deconstruction and deforestation. Soft foREST explores the fragility of nature and the importance of conservation through the medium of a naïve, child-like, curious installation. With regard to the nature of the event, the target audience is children with parent supervision. Accordingly, the applicant submits no loud clapping and cheering is not required as the performance is meditative and quiet.

The proposed use of amplified music is temporary and permitted during the performance hours of 5.00pm to 8.00pm on event days only. The amplified music is the use of 2 Bluetooth speakers that are attached to the puppet's structure. The puppet will move along the designated performance area within the sunken chamber for duration of the 30-minute performances. The decibel output is 75dB at 1m, which is the equivalence of a vacuum cleaner.

The event's Plan of Management provides noise control measures including the use of a digital sound level meter throughout performances to maintain the decibel output is below 75dB. A condition of consent is recommended to approve the event's Plan of Management to ensure no unreasonable impacts on surrounding amenity.

- (e) **Issue:** Amplified music is not permitted in this space. The proposed maximum noise is 75dB and does not comply with the maximum allowable noise for public events in Sydney of 70dB.

Response: The Walter Read Reserve and Paddington Reservoir Plan of Management and Master Plan 2004 permits music in the Western Chamber of the Paddington Reservoir.

The City of Sydney Events Guidelines provide noise from any amplified music used at the event must not exceed LAeq 15 minute ≤ 65 dB(A) when measured at the nearest affected receiver and a condition is recommended to this extent.

The amplified music from the 2 Bluetooth speakers is controlled by the operators on site. The event's Plan of Management provides noise control measures including noise levels will be monitored and should substantiated complaints be received the noise can be reduced. Noise levels are required to be monitored within the guidelines of Division 7 Musical Instruments and Sound Equipment of the Protection of the Environment Operations (Noise Control) Regulation 2017. The POEO restricts the use of amplified sound equipment before 8.00am and after midnight on Friday, Saturday or any day before a public holiday, or before 8.00am and after 10.00pm any other day. A condition of consent is recommended to approve the event's Plan of Management to ensure no unreasonable impacts on surrounding amenity.

- (f) **Issue:** Due to site features, the noise will echo and affect the residents of Paddington Central.

Response: A condition of consent is recommended which requires noise from amplified music used at the event must not exceed LAeq 15 minute ≤ 65 dB(A) when measured at the nearest affected receiver to ensure any reverberation of noise within the sunken garden does not result in unreasonable amenity impacts to nearby residential premises.

- (g) **Issue:** Existing noise impacts. There are existing impacts from people talking in the park. People talk on the phone in the park close to Paddington Central apartments. Paddington Central have undergone fire order works and want peace and normalcy. Council lacks the ability to manage the park during daylight hours.

Response: A review of Council records reveals the site has previously been subject to compliance action regarding noise from visitors using the open space for photography and social media videos. In response to the complaints, Council rangers increased patrols of the park and where appropriate, advised visitors to reduce noise. The compliance matters are now closed and is not relevant to the subject application.

- (h) **Issue:** People leaving the event will be noisy.

Response: The event's Plan of Management provides crowd management and security provided by City of Sydney will be staffed at entry and exit points of the event. Staff are to advise attendees leaving to keep noise levels to a minimum and to avoid gathering outside of the site.

- (i) **Issue:** Attendees will be able to overlook into residential apartments of Paddington Central and impact resident's privacy. The event will occur after dark and allow attendees to see directly into the Paddington Central apartments.

Response: Paddington Reservoir Gardens is open to visitors from 8.00am to 8.00pm daily. The temporary event seeks to use the public open space for a total

of 9 days, with the final performance ending at 8.00pm. Event security and crowd management is to be provided by City staff to monitor attendee behaviour. Additional privacy measures are not required on site for the temporary event located in the sunken garden.

- (j) **Issue:** It is unreasonable to have 600 people in the Western Chamber with unlimited numbers in the area above. Inability to ensure crowd control as the event is un-ticketed.

Response: The proposed maximum capacity is 200 persons per performance. Attendees are required to register prior to commencement of performances to ensure maximum capacity is not breached. Event security and crowd management will monitor performance crowds and attendee queues. A condition is recommended with maximum capacity in the Western Chamber and to ensure no queuing outside of site boundaries.

- (k) **Issue:** Anti-social behaviour. 600 teenagers will be hosted in Paddington Reservoir. They will be fuelled by drugs and alcohol, hang over bridges and railing, and urinate and defecate in the pond.

Response: The event has a target audience of children and parents as it features an inflatable puppet. A maximum capacity of 200 persons in the Western Chamber is proposed and is permitted in accordance with the Walter Read Reserve and Paddington Reservoir Plan of Management and Masterplan. Attendees are required to register to attend a performance at the designated registration area proposed within the John Thompson Reserve. A condition is recommended to ensure the capacity of the Western Chamber does not exceed 200 persons (inclusive of staff and attendees).

The event's Plan of Management provides City of Sydney Event Management staff will engage suitably qualified event security personnel to ensure adequate staffing and security levels are met every event day. In addition to event security, Erth staff will ensure there is only one entry into the event, and one separate exit from the sunken garden to ensure attendee traffic is controlled. The entry and exit points will be staffed for the duration of the event and to maintain capacity levels. Any intoxicated persons will not be permitted into the event. A condition is recommended to approve the event's Plan of Management.

- (l) **Issue:** Waste management. Lack of transparency of who is responsible for repairs and rubbish removal.

Response: The event does not include any food or drinks to be served. The event's Plan of Management provides any excess rubbish will be removed by event staff during and at the conclusion of each event day.

A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

- (m) **Issue:** Storage of temporary structures between event days.

Response: The temporary fencing for crowd control will be stored within the Eastern Chamber between event days which is not open to the public. The proposed temporary signage is to remain on the site for the duration of the

temporary event. Other temporary structures will be removed from the site between event days.

- (n) **Issue:** There are no toilet amenities.

Response: Bathrooms facilities are located in the Paddington Town Hall should attendees require to use toilet facilities prior to or after the 30minute performance(s).

- (o) **Issue:** Lack of event management and could result in potential damage to heritage site.

Response: No permanent fixings are associated with the proposed temporary event. Crowd management and security will be provided by City of Sydney to monitor attendee behaviour. The performances are to be held in the Western Chamber of Paddington Reservoir. The Eastern Chamber is closed to the public and will remain closed for the duration of the temporary event.

- (p) **Issue:** The application should be assessed by an external consultant as the site is owned by the City of Sydney Council.

Response: The application was notified in accordance with the City of Sydney Community Participation Plan as a council-related application. The Council conflict of interest management statement accompanied the notification documents available on Council's website under the application. Accordingly, the assessment of the application has been carried out by City staff in accordance with the management strategy.

The Local Planning Panel (LPP) delegated a number of matters to Council officers on 30 April 2025. In accordance with the requirements of the Environmental Planning and Assessment Act 1979, the LPP delegated its functions as a consent authority in relation to development where the reason for reporting the matter to the LPP is that of which Council is the application or landowner, and the application proposes a temporary event. As Council is the landowner and the application proposes a temporary event, the application has not been referred to the LPP for this reason.

The application has been referred to the LPP as it represents contentious development with receipt of 25 or more unique submissions by way of objection. As such, the determining authority is Local Planning Panel.

- (q) **Issue:** Previous development application D/2014/1614 should not be used as a precedence for the subject application.

Response: The 2014 Development Application has not been used as a precedence during the assessment of the subject application and recommendation for approval.

- (r) **Issue:** The subject application has not taken into account the previous development application D/2014/1614. There are restrictions to use the Paddington Reservoir and adjoining parks under D/2014/1614.

Response: Development application D/2014/1614 was granted on 14 December 2015 for the use of Reservoir Gardens for commercial, cultural and community

events. Consent was granted for a 2 year period of which the consent has now lapsed.

- (s) **Issue:** Insufficient documentation. The development application is not to be approved in any form without the correct documentation and restrictions. There is a lack of event management documentation.

Response: As per Council's request, detailed site plans were submitted which include proposed lighting locations, attendee pathways, and location of temporary structures. The site plans are recommended for approval.

The event's Plan of Management includes the following information: proposed dates; proposed bump-in and bump-out dates; hours of operation; production schedule for event days; proposed amplified music; noise management; maximum capacity; images of the puppet; temporary infrastructure; location of nearby bathroom facilities; security and crowd management measures; turf management; consistency with relevant controls and provisions; and consistency with Walter Read Reserve and Paddington Reservoir Gardens Plan of Management and Masterplan.

Accordingly, a condition of consent is recommended to approve the event's Plan of Management and in the event of any inconsistency, the conditions of consent will prevail over the Plan of Management.

- (t) **Issue:** Parking and traffic. There are existing limited parking opportunities in the area. There is no crowd or traffic management strategy.

Response: The proposed temporary event has been assessed under DCP provision 3.11 Transport and Parking.

The site is located in close proximity to numerous bus routes accessible from the Oxford Street frontage of the site. The site is located less than 500m from the Moore Park Entertainment Quarter which is accessed by a variety public transport options. The event is a time limited event and is not expected to have a significant impact on traffic and parking.

- (u) **Issue:** Turf management. 2,400 people per weekend may damage the turf. It is opposed if the rate payer will be liable for turf damages.

Response: As per Council's request, detailed site plans were submitted and includes an audience pathway. Attendees are required to utilise the designated concrete pathway across Walter Read Reserve, the boardwalk over the sunken garden, and the boardwalks within the sunken garden. The site plan is recommended for approval.

The event's Plan of Management provides turf protection measures including the monitoring of turf throughout the temporary event. If circumstances require, bunting or picket fencing can be used to ensure attendees do not damage the green open space. Attendee behaviour is to be monitored by crowd management and security provided by City of Sydney. Accordingly, a condition of consent is recommended to approve the event's Plan of Management.

- (v) **Issue:** Alienation of public land. Public access to the park will be blocked. This is a public area and an event of this scale is not justified.

Response: The temporary event seeks to use the public space for a total of 15 days, inclusive of media launch day, bump-in and bump-out days, and event days. A condition of consent is recommended to ensure the temporary event does not exceed the approved days.

Across the 3 weeks of the event, the event days are held on Thursday, Friday and Saturday. Public access to the site remains open from Sunday to Wednesday.

The proposed temporary event complies with clause 2.8 Temporary Use of Land of the Sydney LEP 2012 which permits a maximum of 52 days in any period of 12 months for temporary use in any zone.

The proposal is consistent with the uses permitted in the Western Chamber under the Walter Read Reserve and Paddington Reservoir Plan of Management and Masterplan which allows music and performance.

- (w) **Issue:** There are other suitable locations for the event such as Hyde Park, Paddington Entertainment Quarter, Carriageworks and The Domain.

Response: The proposed temporary event complies with the relevant controls and provisions that apply to the site, as provided in this report. With regard to the nature of the site and the event, the proposal is suitable for the site and the intended use of the sunken garden in the Western Chamber of Paddington Reservoir.

- (x) **Issue:** Site inspection. Residents of Paddington Central would like the opportunity for City staff to inspect their residential units to understand and consider the interface with the adjoining Paddington Reservoir Gardens site.

Response: A site visit to Paddington Reservoir Gardens was completed on 18 June 2025. It is noted the Paddington Central residential development is in close proximity to the subject site. With regard to the nature and time of the temporary event, the event will not result in any privacy impacts additional to that of existing impacts. The event is for a limited duration of 3 weeks, 3 nights a week, with performances from 5.00pm to 800pm. Accordingly, it is determined that no site visit is required to be undertaken of the residential units to understand the proximity of the 2 sites.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

47. The development is not subject to a Section 7.11 development contribution as it does not result in a permanent net population increase of either residents, workers or visitors to the site.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

48. The site is located within the Residual Lands affordable housing contribution area. As the proposed development is for purposes other than residential accommodation that will result in the creation of no gross floor area, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

Relevant Legislation

- 49. Environmental Planning and Assessment Act 1979.
- 50. Heritage Act 1977.

Conclusion

- 51. The application seeks consent for the use of the Paddington Reservoir Western Chamber, Walter Read Reserve and John Thompson Reserve for a temporary event associated with the 2025 City of Sydney Art & About Program.
- 52. The application is reported to the Local Planning Panel for determination as it represents contentious development, with receipt of 25 or more unique submissions by way of objection.
- 53. The issues raised during notification and by City staff during the assessment of the application have been addressed by amendments to the proposal and by recommended conditions of consent. These issues relate to lighting, noise and crowd management.
- 54. The temporary event is consistent with the objectives and provisions of the Walter Read and Reserve and Paddington Reservoir Plan of Management and Masterplan 2004.
- 55. The proposed development complies with the relevant controls and provisions of the Sydney LEP 2012 and Sydney DCP 2012.
- 56. Subject to conditions, the temporary event is considered to be in the public interest.
- 57. The proposal is recommended for approval, subject to conditions.

ANDREW THOMAS

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